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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,651	08/19/2003	Kazuo Hiraguchi	Q76893	3049

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EXAMINER

RIVERA, WILLIAM ARAUZ

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/642,651

Applicant(s)

HIRAGUCHI, KAZUO

Examiner

William A Rivera

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-11 and 13 is/are rejected.
- 7) ☒ Claim(s) 6-8, 12, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/19/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 is inaccurate and/or misdescriptive. On lines 1-2, the phrase "the opening member enters in from a slit provided at the case". How does the opening member enter "from" a slit? It appears that the tape drive's opening member enters --into-- the slit. Note Claim 14 sets forth that the opening member enters "into" the case.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

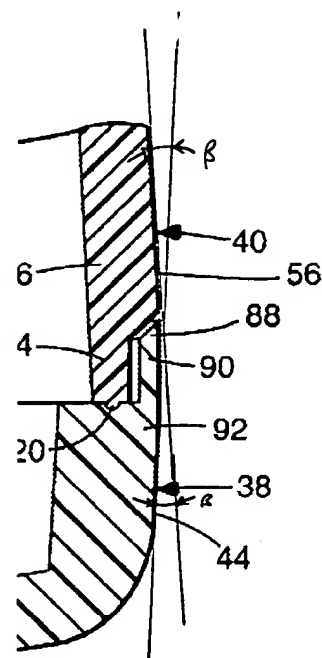
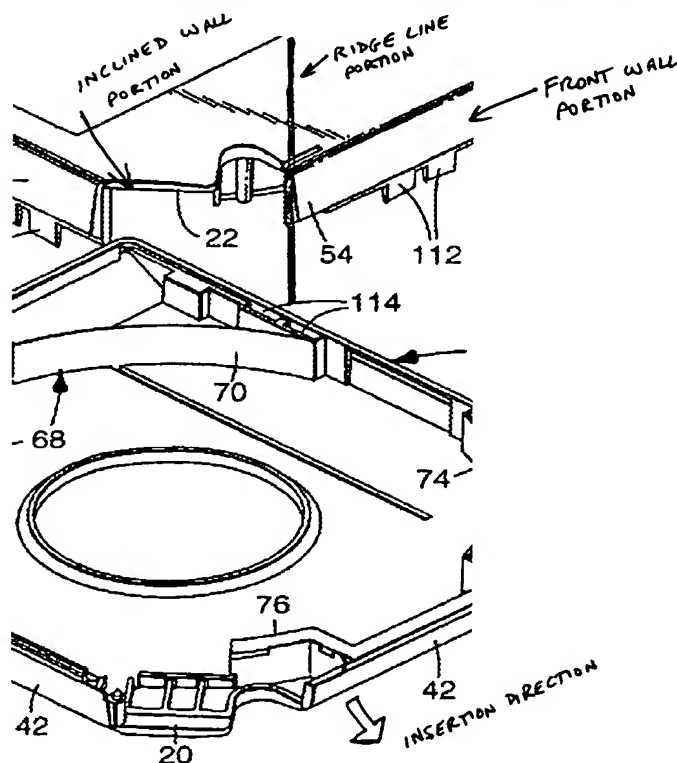
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 9-11, 13, are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al (U.S. Patent No. 5,868,338) in view of the admitted prior art.

With respect to Claims 1-5, 9-11, and 13. Martin et al, Figures 2-8, tape cartridge comprising: a case which is hollow, and which is formed of a synthetic resin, and which has an upper case 40 and a lower case 30 each formed from a base plate and a peripheral wall, and which is formed by the peripheral walls abutting one another, the case having a front wall portion facing in a cartridge insertion direction, a side wall portion substantially parallel to the cartridge insertion direction, and an inclined wall portion connecting the front wall portion and

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the side wall portion and inclined with respect to the cartridge insertion direction; a tape access opening provided at the inclined wall portion of the case; and a ridge line portion extending in a vertical direction and formed at an intersection of the front wall portion of the case and the inclined wall portion of the case; a reel 12 and a leader pin 16; a pin holding structure 20 having an elastic member which has a free end portion; the holding position is in a vicinity of the tape access opening with the case; the case is substantially rectangular in plan view; wherein a plurality of joining portions 120 are provided for joining the upper and lower case; a tape drive into which a tape cartridge can be inserted; the tape drive has an opening member (extraction element which would pull out pin 16 thereby opening the cartridge).



Martin et al teach all the elements of the cartridge except for the angle of inclination. The admitted prior art, Figure 9 and the specification on page 2, lines 5-9, teaches a draft of tape

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ridge line portion at the upper case and a draft of the ridge line portion at the lower case are about  $1^{\circ}$ . As such it would have been obvious to one of ordinary skill in the art to provide Martin et al with an angle of about  $1^{\circ}$ , as taught by the admitted prior art, for the purpose of facilitating and smoothly removing the upper and lower cases from the molds from molding. Since the combination teaches an angle of  $1^{\circ}$ , it would have been obvious to one of ordinary skill in the art that the draft angle of the ridge line portion at the intersection of the front wall portion and the inclined wall portion satisfies the limitation of  $1^{\circ}$  or less.

#### ***Allowable Subject Matter***

Claims 6-8, 12, 14, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William A Rivera whose telephone number is 703-308-2684. The examiner can normally be reached on Monday to Friday - 7:30 to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 703-308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**WILLIAM A. RIVERA**  
**PRIMARY EXAMINER**

January 12, 2005